In the Supreme Court of the United States.

OCTOBER TERM, 1923.

GUARANTY TITLE & TRUST CORPORATION, receiver of Vue de L'Eau Company, a corporation, intervener, appellant,
v.
THE UNITED STATES.
No. 109.

APPEAL FROM THE COURT OF CLAIMS.

BRIEF FOR THE UNITED STATES.

STATEMENT OF THE CASE.

Pursuant to the Act of Congress of June 15, 1917, Ch. 29, 40 Stat. 207, the United States took for a naval base a tract of land at Hampton Roads, Virginia, which was in the possession of the Norfolk-Hampton Roads Company. The compensation fixed by the President was unsatisfactory to that Company and it sued the United States in the Court of Claims. After the suit was brought the Guaranty Title & Trust Corporation, Receiver of Vue de L'Eau Company, by leave of court, intervened in that suit

alleging that it was the owner of a portion of the land taken and was, therefore, entitled to part of the compensation to be paid. The Court of Claims found that the value of the entire tract was $68,500, $35,500 being the value of the portion concededly owned by the Norfolk-Hampton Roads Company, and $33,000 being the value of the portion claimed by the Intervener (R. 14). The Court, however, held that the entire compensation should go to the Norfolk-Hampton Roads Company, entered judgment accordingly, and dismissed the petition of the Intervener (R. 15). The United States has not appealed from the judgment.

The Intervener appealed and by order of this Court made June 4, 1923, the Norfolk-Hampton Roads Company was admitted as a party appellee. The sum of $35,500, to which the Norfolk-Hampton Roads Company is concededly entitled, was paid to that Company by the United States. The only question presented upon this appeal is whether the balance of the judgment, $33,000, should be paid to that Company or to the Intervener, Guaranty Title & Trust Corporation, Receiver of the Vue de L'Eau Company.

The United States is, therefore, theoretically but a stakeholder. However, it found the property which it took in the possession of the Norfolk-Hampton Roads Company, its negotiations were with that Company, and by reason of the facts found by the Court of Claims and the arguments set

forth in the brief filed by counsel for that Company, we submit that the judgment of the Court of Claims was correct and should be affirmed.

JAMES M. BECK,
Solicitor General.
ALFRED A. WHEAT,
Special Assistant to the Attorney General.

NOVEMBER, 1923.

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